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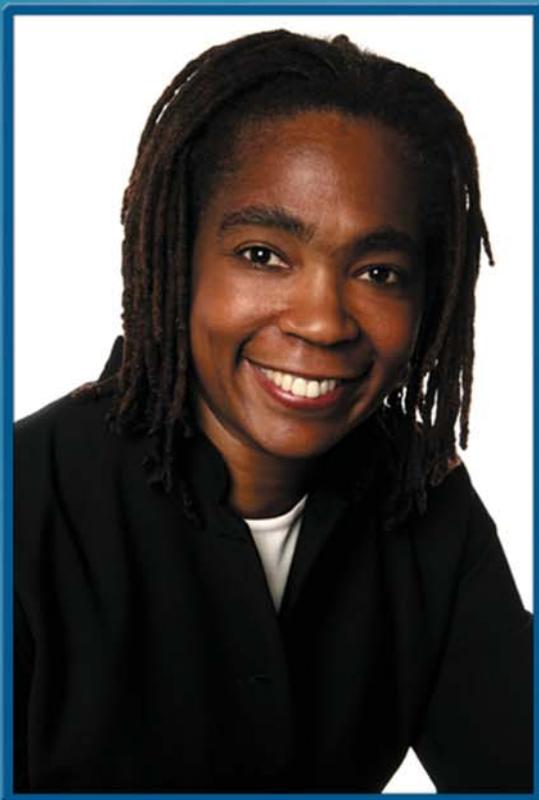


**HEALTH CARE  
COMPLIANCE  
ASSOCIATION**

# **COMPLIANCE TODAY**

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**Meet Dr. Cynthia Boyd and Ryan Meade  
and Learn Details of the Rush  
Clinical Trials Billing Settlement**



***Dr. Cynthia Boyd***  
*Chief Compliance Officer and  
Director of the Medical Staff Office  
Rush University Medical Center*



***Ryan Meade***  
*Partner  
Meade & Roach, LLP*

# Letter from the CEO

Roy Snell

## The rights of the accused:

Recently, a few European countries have objected to the implementation of anonymous reporting mechanisms. My first reaction was astonishment! How could anybody object to finding and resolving problems? A hotline can be a key tool for any compliance effort. They are throwing the baby out with the bath water, but nevertheless, they do have a point.

They are not objecting to the reporting of problems, but rather, how the accused are treated. They want the individual accused to be treated fairly. They want the accused to have a chance to defend his or herself. They want the zealous effort to fix problems matched by a zealous defense of the accused individual or individuals' rights.

The anonymous reporting mechanism should not be a casualty of the rights of those accused of wrongdoing. However, the Europeans do have an argument. There have been cases where investigations have caused damage to someone's reputation before it was discovered he or she did nothing wrong. In our effort to zealously pursue all wrongdoing, we sometimes forget that it is just as important to protect the rights of accused individuals.

Although privacy is always a key element of investigations, it is inevitable that key people must be informed or interviewed. Peers, superiors and subordinates often do find out that investigations are being conducted. What concerns me more than others finding out about the investigation, is how wrongly-accused people feel about how the investigation is conducted. I am concerned that compliance investigations of false accusations may result in good people leaving the organization because they were not treated fairly. By fairly, I mean presumed innocent and given a chance to defend his or herself early in the process. Anyone who is falsely accused of wrongdoing is potentially going to feel a great deal of pain and disappointment. They will feel considerably worse if they feel that the investigation was not conducted fairly.

What if the accused individual could satisfactorily explain the issue in minutes and you could verify his or her explanation and drop the

investigation in a day? I can speak from experience; there are investigations that have gone on for weeks before the accused had a chance to explain. In those weeks, damage was done to the accused individual's reputation. During those weeks, damage was also done to his or her desire to work for the organization. Later, the investigation proved that the individual was innocent but the damage had been done. My biggest concern is that, occasionally, compliance efforts can drive away good people because we do not properly manage investigations.



The risk of damage caused to the investigation by defending the rights of the accused individual is minimal, though I am sure there are exceptions. It is best to always seek expert legal advice; however make sure you have a very good reason to delay the accused person's opportunity to explain. If at all possible, it is important to get the other side of the story as soon as you can. We must let those accused of wrongdoing know that it is our job to follow up on the complaint, but that we want anyone accused of wrongdoing to have a chance to defend himself or herself. We must let those people accused know that their rights are just as important as the need to investigate the accusation. It is the compliance professional's responsibility to ensure that this is handled correctly. ■

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